

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6646 of 2017

ORDER:

Heard learned counsel for the petitioner/ A5 of C.C.No.348 of 2016 on the file of the I Additional Judicial First Class Magistrate, Khammam, which is an outcome of Crime No.3 of 2016 of Khammam II Town Police Station, for the offence punishable under Section 420 r/w 34 I.P.C. against five accused including the petitioner and the police, after investigation filed the final report and the learned Magistrate has taken cognizance. It is by showing the petitioner as absconded and since the petitioner is at abroad, N.B.W. issued, as others were enlarged on bail. It is pursuant to which, the present petition is filed seeking to quash the proceedings saying the core contention of the 2nd respondent/ de facto complainant is that the sale deed dated 11.07.2011 was describing a property, part of which not that of the vendors and the 2nd respondent herein is a vendee, particularly, in relation to northern boundary and also heard learned Public Prosecutor representing the State, before ordering notice to 2nd respondent.

A perusal of the sale deed shows that the petitioner/ A5 is no way a party, but for, his father, grand mother and paternal uncle respectively. As N.B.W. is pending and the

petitioner, in fact, wants to come to India and the detailed material is not before this Court, this Court feels it to subserve the ends of justice, to suspend the N.B.W for a period of three months. In the meantime, the petitioner shall return to India and appear before the trial Court and file an application under Section 205 Cr.P.C. to represent through special vakalat holder including any application for his discharge through vakalat holder from the cognizance taken against him for the offences supra and the trial Court shall pass appropriate orders on own merits. If the petitioner has any further grievance, it is left open to agitate the same in accordance with law.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 02.08.2017
pab